

REMARKS/ARGUMENTS

Applicants have received the Office Action dated February 24, 2010, in which the Examiner rejected claims 1-5 and 8-19 under 35 U.S.C. § 102(b) as anticipated by Dawson and claims 6 and 7 as obvious over Dawson in view of Jameson. Applicants traverse the rejections for the reasons provided below, and believe this case to be in condition for allowance.

I. NOTE ABOUT THE REJECTIONS

Many or most of the anticipation rejections simply quote the claim language and include one or more paragraph numbers of Dawson. The Examiner has not provided any explanation as to how the cited paragraphs compare to the claim limitations. Thus, Applicants' ability to respond to the rejections are somewhat impaired by the Examiner's failure to articulate why certain paragraphs allegedly read on the claim limitations. Applicants believe all claims are allowable. However, if the Examiner intends to continue rejecting the claims, a better explanation of the rejections is respectfully requested.

II. ANTICIPATION REJECTIONS OF CLAIM 1-5 AND 8-10

Claim 1 requires "organizing...previously acquired auction data into a plurality of sub-samples, each sub-sample comprising bid data associated with auctions having a common number of bidders, the number of bidders varying among the sub-samples." For this limitation, the Examiner cited paras. 23-25 and 27 of Dawson. These paragraphs of Dawson teaches ranking buy and sell orders by price (para. 25). The cited paragraphs of Dawson, however, do not at all teach organizing auction data into sub-samples with each sub-sample comprising "bid data associated with auctions having a common number of bidders, the number of bidders varying among the sub-samples."

Claim 1 also requires "applying, by the processor, an inverse bid function to at least two sub-samples." Applicants' specification explains that an inverse bid function "expresses a bidder's valuation as a function of the bid he or she submits, the distribution of posted bids, $G(b_1, b_2, \dots b_n)$, and the number of bidders in the auction." Disclosure p. 3, para. 12. Claims are to be construed in light of the specification. MPEP § 2111 explains that that "claims must be 'given

their broadest reasonable interpretation consistent with the specification.” Further, the broadest reasonable interpretation “must also be consistent with the interpretation that those skilled in the art would reach.” Id.

For the quoted limitation regarding an “inverse bid function,” the Examiner cited para. 33 of Dawson which states:

In a preferred embodiment, exchange rate quotes are captured on a round-the-clock (RTC) basis, by sampling (snapping) the data at regular intervals. Only those samples (snaps) that fall within a fix period are used to calculate a fixed spot rate; the other samples used to monitor the behaviour of the market, so that anomalies which may impact the next fix can be identified and analysed ahead of time.

The above-quoted paragraph explains that exchange rate quotes are sampled and used to calculate a fixed spot rate. Dawson’s reference to using sampled exchange rate quotes to calculate a fixed spot rate is not at all the same as an inverse bid function. Applicants do not feel it necessary to amend claim 1 to further refine the difference between the spot rate calculation of Dawson with the inverse bid function limitation of claim 1 because the claim must be given its broadest reasonable interpretation consistent with the specification. One of ordinary skill in the art would not at all believe Dawson teaches the use of an inverse bid function (i.e., one that expresses the bidder’s valuation as a function of other parameters such as his or her bid, the distribution of posted bids and the number of bids in the auction).

Claim 1 also requires “applying, by the processor, a **direct bid function** on the first pool to generate sample bids.” The Examiner identified para. 43 of Dawson as allegedly teaching the use of a direct bid function. Applicants’ specification defines a “direct bid function” as: “By way of definition, for a given set of structural variables, a direct bid function represents the optimal bid corresponding to all values of a specified value distribution, $F(v_1, v_2, \dots v_n)$ where v represents a value for a particular bidder and n is the number of bidders.” Disclosure p. 3, para. 11.

Paragraph 43 provides:

The second processing means may be arranged to categorise certain samples firstly as either valid or questionable, and subsequently to re-categorise questionable samples automatically as valid or erroneous depending on samples received subsequently in accordance with predetermined criteria.

This paragraph explains that the samples are categorized as valid or questionable and then questionable samples are categorized as valid or erroneous. This categorization is not all the same or even similar to a direct bid function which provides an optimal bid.

For at least these reasons, claim 1 and its dependent claims are allowable over Dawson. Some or all of these reasons apply to the other independent claims, and their dependent claims, as well.

III. OBVIOUSNESS REJECTION OF CLAIMS 6 AND 7

Claims 6 and 7 depend from claim 5 which is allowable over Dawson as explained above. Jameson does not satisfy the deficiencies of Dawson. Thus, claims 6 and 7 are allowable over Dawson in view of Jameson.

IV. CONCLUSION

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

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